

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

UNITED STATES OF AMERICA

vs.

BEVERLY FRIEND

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MC 108-00015-JRH

ORDER

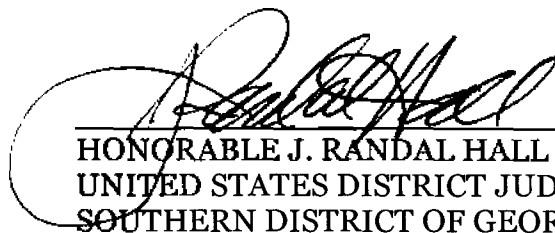
Following a bench trial before the United States Magistrate Judge on August 28, 2008, *pro se* Defendant Beverly Friend¹ was convicted of speeding and failure to comply with a lawful order of an authorized person directing traffic on the Fort Gordon Military Reservation in violation of 18 U.S.C. §§ 7 & 13, O.C.G.A. §40-6-1(3), O.C.G.A. §40-6-2 and O.C.G.A. §40-6-181 as modified by §40-6-183. For each conviction, the Magistrate Judge imposed the \$100 fine amount which was set forth on the citation, the applicable \$25 processing fee, and a \$5 special assessment. Defendant was informed that she may appeal the judgment of conviction or sentence to this Court pursuant to Fed. R. Crim. P. 58 (g)(2)(B).

¹Although Defendant was informed of her right to obtain counsel, she waived that right and elected to proceed *pro se*. Because she was cited for a petty offense which the Magistrate Judge determined would not result in a sentence of imprisonment, the appointment of counsel was not required. See Fed. R. Crim. P. 58(a)(2) & (b)(2)(C).

On September 5, 2008, Defendant filed a "Notice of Appeal". Defendant should note that on appeals she is not "entitled to a trial *de novo* by a district judge. The scope of appeal is the same as an appeal from a district court to a court of appeals." Id. at 58(g)(2)(D). In this regard, if the Magistrate Judge's factual findings are supported by sufficient evidence in the record that a reasonable jury could find that the government has proven guilt beyond a reasonable doubt, the conviction must be affirmed. See United States v. Medina, 485 F. 3d 1291, 1296 (11th Cir. 2007). In reviewing the sufficiency of the government's evidence, the Court must "resolve all reasonable inferences and creditability evaluations in favor of the [Magistrate Judge's] verdict." Id.

In this appeal, Defendant has failed to set forth any viable grounds for vacating the Magistrate Judge's decision. Rather, Defendant's notice of appeal contains vague and unsupported allegations that the Magistrate Judge "was biased when he failed to perform the duties of the office impartially and failed to uphold the integrity of the Judiciary" (Doc. no.1). In the absence of any specific evidence offered by Defendant to support her allegations, the Court finds that the Magistrate Judge's factual findings are supported by sufficient evidence in the record. Accordingly, Defendant's convictions and fines are **AFFIRMED.**

ORDER ENTERED at Augusta, Georgia, this 10th day of September, 2008.


HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA